(18)

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**
**(DIVISION BENCH)**

**CORAM : Hon'ble Shri S.R. Nayak, CJ**
**Hon'ble Shri Satish K. Agnihotri, J.**

**Misc. Appeal No.395 OF 2005**

**APPELLANTS APPLICANTS**

1. Smt. Gyana Bai @ Gyaneshwari aged about 51 years Wd/o Late Jagmohan Verma
2. Virendra Kumar aged about 33 years S/o Jagmohan Verma
3. Ramesh Kumar aged about 31 years S/o Jagmohan Verma
4. Manoj Kumar aged about 29 years, S/o Jagmohan Verma

(all appellants resident of village Changari, Post Bathena, P.S. & Tahsil Patan, District Durg (C.G.)

Versus

**RESPONDENTS**

1. Kejuram aged about 28 years S/o Daduram Dhankar R/o ward no. 36, Baijnath para, Po & Distt. Durg (C.G.) (Driver of jeep no. MP - 24W/1987)
2. Dhanwant Singh S/o Gurdeep Singh Gill, R/o Ward no. 17, near Gyatri Mandir, Santra Badi, Po. & Distt. Durg Chhattisgarh (Owner of jeep no. MP-24W/1987)
3. National Insurance Co. Ltd. through Branch Manager Gill Complex, Near Gurudwara Station Road Po. & Distt. Durg Chhattisgarh (Insurer of Jeep no. MP-24W/1987)

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**Present:**

Smt. Meera Jaiswal, learned counsel for the appellants.

Mr. Prashant Jayaswal, learned Sr. Advocate with Mr. Ali Asgar, learned counsel for respondent No. 3/Insurance Company.

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**ORAL ORDER**
**(Passed on 14th of December 2005)**

The following order of the court was passed by

**S.R. Nayak, CJ.**

In this appeal preferred by the dependants of the deceased seeking more compensation, the only contention of learned counsel for the appellants is that the MACT has not assessed loss of dependency in accordance with law and it has also not applied the appropriate multiplier. It was pointed out that the deceased on the date of accident was aged 54 years and therefore, the appropriate multiplier is 11 and not 6. We find force in the above contention. The MACT for the purpose of assessing loss of dependency, after permissible deductions took the monthly income of the deceased at Rs.7,093/-. We may round it off to round figure Rs.7,000/-. If we deduct 1/3rd of the income towards personal expenses of the deceased, the actual loss of dependency per month would be Rs.4,729/-, rounding it off to Rs.4,730/-. Thus, total loss of dependency would be Rs.6,24,360/- (4730 x12 x11). At this stage itself, it needs to be noticed that the MACT wrongly applied multiplier 6 instead of 11. Admittedly, the MACT has taken the age of the deceased, on the date of accident, as 54 years. If that is so, in terms of second Schedule, the appropriate multiplier to be applied for assessing loss of dependency is 11.

2. In the result, we award a sum of Rs.6,24,360/- towards loss of dependency as against Rs.3,40,464/- awarded by MACT. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall stand unaltered. In the facts and circumstances of the case, the parties shall bear their own costs.

3. The appeal is allowed to extent indicated above.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge